

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

VIGILANT INSURANCE COMPANY,)	
)	
Plaintiff)	
)	
v.)	
)	Civil Action File
TURNER BROADCASTING SYSTEM,)	
INC., HI-TECH FX LLC and)	No. 1:10-CV-00592 RLV
INTERIOR FIRE PROTECTION, INC.,)	
)	
Defendants)	

ANSWER OF DEFENDANT
INTERIOR FIRE PROTECTION, INC.

COMES NOW Defendant Interior Fire Protection, Inc. and for its Answer shows the Court the following:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted against this Defendant.

SECOND DEFENSE

The damages complained of by the Plaintiff were proximately caused by the failure of the Plaintiff's insured Production Consultants, LLC, d/b/a Production Consultants and Equipment (hereinafter "PC&E") to exercise ordinary care for its own safety. Consequently, there can be no recovery against this Defendant.

THIRD DEFENSE

The damages complained of by the Plaintiff were approximately caused by the negligent acts of parties other than this Defendant. Consequently, there can be no recovery against this Defendant.

FOURTH DEFENSE

In response to the individually numbered paragraphs of the Complaint for Property Damage and Demand for Jury Trial, this Defendant shows the following:

1.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 1, 2 and 3.

2.

The allegations contained in Paragraphs 4, 5 and 6 are admitted.

3.

The allegations contained in Paragraph 7 are admitted.

4.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

5.

In response to the allegations contained in Paragraph 19, it is admitted that the inspection occurred as stated in this paragraph. Defendant further states that the written report provided to PC&E speaks for itself.

6.

The allegations contained in Paragraph 20 are admitted.

7.

This Defendant is without knowledge or information to form a belief as to the truth of the allegations contained in Paragraphs 21, 22, 23, 24 and 25.

8.

The allegations contained in Paragraph 26 are denied.

9.

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 27, 28, 29, 30 and 31.

10.

The allegations contained in Paragraph 32 are admitted.

11.

This Defendant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraphs 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 and 56.

12.

The allegations contained in Paragraph 57 are admitted. This Defendant further states that it exercised the duty of reasonable care and did not expose PC&E to any unreasonable risk or harm to its property.

13.

The allegations contained in Paragraphs 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 and 71 are denied.

14.

Any allegations contained in the Complaint for Property Damage and Demand for Jury Trial which is not specifically admitted herein is denied.

WHEREFORE, having fully answered, Defendant Interior Fire Protection, Inc. demands judgment in its favor with costs cast against the Plaintiff. This Defendant further demands a trial by jury.

CARLOCK, COPELAND & STAIR, LLP

/s/WADE K. COPELAND

WADE K. COPELAND

State Bar No.: 186862

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing pleadings upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows:

David M. Bessho
COZEN O'CONNOR
SunTrust Plaza, Suite 2200
303 Peachtree Street, N.E.
Atlanta, GA 30308

This 7th day of April, 2010.

CARLOCK, COPELAND & STAIR, LLP

/s/WADE K. COPELAND

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